IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11836 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DINESHBHAI MANSUKHLAL PANDYA

Versus

STATE OF GUJARAT

Appearance:

MS SUBHADRA G PATEL for Petitioner

MR SAMIR DAVE, AGPo for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 14/02/2001

ORAL JUDGEMENT

#. In view of the statement made by learned counsel for the respondents this petition deserves to be allowed only on the ground that vital and material documents, i.e. statements recorded u/s.161 of Criminal Procedure code in the criminal complaint which were made basis for passing

detention order of the petitioner were not supplied to the petitioner despite of making demand thereof in the representation also.

#. As a result of this concession of the learned counsel for the respondents, this petition deserves acceptance and the same is allowed and the order of detention of the petitioner dated 4.9.2000 of the Police Commissioner, Rajkot City, Rajkot, u/s.3(2) of the Gujarat Prevention of Anti Social Activities Act, 1985, detaining the petitioner as a Bootlegger, is quashed and set aside. The petitioner, detenu, namely, Dineshbhai Mansukhlal Pandya, at present detained at Central Prison, Vadodara, be set at liberty forthwith if not required in any other case. Rule is made absolute. No order as to costs.

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(sunil)